

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA

v.

SENTENCING MINUTES
Via Zoom Video Conference

THEODORUS SHIM

Case No. 18-C-149

HONORABLE WILLIAM C. GRIESBACH presiding
Proceeding Held: May 13, 2020
Deputy Clerk: Cheryl

Time Called: 2:33 p.m.
Time Concluded: 6:06 p.m.
Zoom Video: 051320
18-149
Shim

Appearances:

UNITED STATES OF AMERICA by: William J. Roach
THEODORUS SHIM via video and by: Daniel H. Sanders
US PROBATION OFFICE by: Brian Koehler
INTERPRETER: None ☐ Interpreter Sworn

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| <p><input type="checkbox"/> The parties have no objections to the factual statements in the PSR</p> <p><input checked="" type="checkbox"/> Objections/corrections to factual statements in PSR by <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant</p> <p><input type="checkbox"/> The court adopts the factual statements and guideline application as set forth in the PSR</p> | <p><input type="checkbox"/> The parties have no objections to the application of the guidelines in the PSR</p> <p><input checked="" type="checkbox"/> Objections/corrections to application of guidelines by <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant objects to enhancements in #39-42, and factual statement in paragraph #55</p> <p><input checked="" type="checkbox"/> The court adopts the factual statements and guideline application with these changes: The court orders an excerpt in paragraph 55 of the PSR be removed and a revised report be filed. The Court overrules objections and adopts the application of the guidelines in the PSR.</p> |
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| <p><input checked="" type="checkbox"/> The government presents sentencing argument: The government recommends a guideline sentence.</p> <p><input checked="" type="checkbox"/> Defendant exercises right of allocution.</p> <p><input checked="" type="checkbox"/> The government dismisses all remaining counts.</p> | <p><input checked="" type="checkbox"/> The defendant presents sentencing argument: Defendant requests probation with home confinement or a sentence of 12 months and 1 day.</p> <p><input checked="" type="checkbox"/> The court imposes sentence.</p> <p><input checked="" type="checkbox"/> Defendant advised of appeal rights.</p> |
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Mr. Shim consent proceed via video and waives his right to an in-person hearing.

The government calls Dr. Woo Jeon. Witness sworn and testifies. Direct examination by Mr. Roach. The government offers exhibits 1-7. Government moves to admit exhibits. The Court receives all exhibits.

3:24 p.m. - Cross-examination by Mr. Sanders.

3:41 p.m. - The Court inquires as to the necessity of questioning of extensive questioning regard loss.

Mr. Sanders responds as to the restitution amount and the amount in dispute. Mr. Roach responds that there is \$800 in question with respect to Mr. Shim's plane ticket. Mr. Sanders replies.

3:48 p.m. - Redirect examination by Mr. Roach.

3:48 p.m. - Re-cross examination by Mr. Sanders.

3:49 p.m. - The Court examines the witness.

3:49 p.m. - Dr. Jeon addresses the Court.

3:50 p.m. - Mr. Sanders presents argument.

4:09 p.m. - The Court address restitution amount and finds restitution in the amount of \$251,500.00

4:20 p.m. - The government presents sentencing argument.

4:39 p.m. -The Court addresses language in paragraph 55 of the PSR. The government does not object to language being struck from the PSR. The Court strikes the reference to use of weapons or any threat with weapons from the PSR and directs the probation office to revise the PSR to exclude that language.

4:42 p.m. - Mr. Sanders presents sentencing argument. Mr. Sanders states that restitution of \$250,000.00 has been submitted to the Clerk's office and the remainder is in his law firm's trust account.

5:29 p.m. - The Court inquires as to the charge in Colorado.

5:30 p.m. - Dr. Jeon addresses the Court.

5:30 p.m. - Mr. Roach concludes sentencing comments.

5:31 p.m. - Mr. Sanders responds.

5:42 p.m. - The defendant exercises right of allocution.

5:45 p.m. - The Court imposes sentence.

SENTENCE IMPOSED:

Imprisonment: 20 Months as to Count(s) one of the indictment
 Months as to Count(s) of the

Imprisonment term for each count to be served ☐ concurrently ☐ consecutively.

TOTAL TERM OF IMPRISONMENT IMPOSED: 20 months.

☐ This term of imprisonment is to be served (☐ concurrently with or ☐ consecutively to) any state court sentence the defendant is currently serving.

Probation: Years as to Count(s) of the

Supervised Release: 3 Years as to Count(s) one of the indictment
 Years as to Count(s) of the

MONETARY PENALTIES

Special Assessment: \$ 100.00 due immediately

Fine: \$ ☒ fine waived

Restitution: \$ 251,500.00 ☐ determination deferred

JOINT AND SEVERAL PAYMENTS

☐ Fine and/or ☐ Restitution is **joint and several** with .

☐ Repayment of Buy Money is **joint and several** with .

FORFEITURE

☐ All property forfeited upon conviction or by order of the court shall be included in the criminal judgment.

RECOMMENDATIONS

☒ The court recommends the defendant's placement at Oxford, Wisconsin

☒ The court recommends the defendant's participation in the Bureau of Prisons' 500-hour drug treatment program.

☐ Other: .

CUSTODY

☒ The defendant is remanded to the custody of the U.S. Marshal Service.

☐ The defendant is to voluntarily surrender at the institution designated by the Bureau of Prisons as notified by the U.S. Probation Office; ☐ on or after .

CONDITIONS OF SUPERVISED RELEASE/PROBATION

- ☒ The defendant does not object to the conditions of supervised release as set forth in the presentence investigation report.
- ☒ The defendant waives reading of the conditions of supervised release.
- ☒ **Mandatory Conditions of Supervision** imposed.
- ☒ The Court adopts the **Standard Conditions of Supervision** set forth in the presentence investigation report without change.
- ☐ The Court adopts the **Standard Conditions of Supervision** set forth in the presentence investigation report with the following changes:
- ☒ The Court adopts the **Special Conditions of Supervision** set forth in the presentence investigation report without change.
- ☐ The Court adopts the **Special Conditions of Supervision** set forth in the presentence investigation report with the following changes: